

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSE ALFARO,

Plaintiff,

v.

JASON DANIEL GANDY,

Defendant.

**Civil Action No. 4:18-cv-01761
(Jury Trial Demanded)**

**UNOPPOSED MOTION TO FILE MOTION FOR SUMMARY JUDGMENT
OUT OF TIME**

Counsel for Plaintiff files this unopposed motion to file its motion for summary judgment out of time. Motions for summary judgment were due January 25, 2019. Scheduling issues and travel prevented Plaintiff from finalizing the motion by that date. Plaintiff respectfully requests that he be allowed to file his motion for summary judgment on this day, February 7, 2019.

Plaintiff and Defendants have conferred, and Defendant does not oppose the instant motion (Defendant noted, however, that he reserves the right to oppose Plaintiff's summary judgment motion). The parties do not anticipate that this filing will impact any other dates in the procedural schedule. A proposed order is submitted herewith.

Dated: February 7, 2019

Respectfully submitted,

By: /s/ Danielle J. Healey

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Attorneys for Plaintiff Jose Alfaro

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that the Plaintiff, through his counsel, has conferred with Defendant, most recently by email on Friday, February 1, 2019. Defendant has stated that he is (1) Unopposed to the filing, but (2) respectfully Opposed to the relief requested.

/s/ Danielle J. Healey
Danielle Joy Healey

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served upon all counsel of record by electronic mail by the Clerk of the Court via the CM/ECF system this 7th day of February, 2019.

/s/ Danielle J. Healey
Danielle Joy Healey